HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P. No. 306 of 2004

Petitioners	1.	Rambhaiya, S/o Shri Badri Prasad, aged about 40 years.
	2.	Smt. Krishnakanta, W/o Shri Rambhaiya, aged about 38 years, The above petitioners are resident of Chingrajpara, Tahsil and District Bilaspur (C.G.)
	Versus	
Respondents	1.	State of Chhattisgarh, Through : the Secretary, Revenue Department, D.K.S. Bhawan, Raipur (C.G.)
	2.	The Collector, District, Bilaspur (C.G.)
	3.	The Tahsildar, Bilaspur Tahsil and District Bilaspur (C.G.).
	4.	Municipal Corporation Bilaspur Through: The Commissioner, Bilaspur.

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

SB: Hon'ble Shri **Satish K. Agnihotri,J.**

Shri Rakesh Pandey, Advocate for the petitioners.

Shri Vivek Sharma, Panel Lawyer for the respondents No. 1 to 3.

Shri A. S. Kachwaha, Advocate for the respondent No.4.

ORDER

(Passed on this 27th day of August, 2007)

I.A.No. 8105/2005, application for withdrawal of the power on behalf of respondent No.4, filed by Shri Sanjay K. Agarwal, Advocate, is ordered as prayed for.

1. Learned counsel appearing for the respondent No.4/Corporation submits that the petitioners have already been allotted alternative accommodations under the scheme known as 'Balmiki Ambedkar Awas Yojna' in the building No. B/17 (EWS) at Imlibhatha, Bandhwapara, Bilaspur.

(75)

2. Learned counsel appearing for the petitioners submits that though the petitioners were encroacher on the government land, however, the principle of natural justice requires that the petitioners ought to have been given a notice before demolishing the structure, which was standing on the disputed site. The disputed structure admittedly has been demolished.

3. Be that as it may, since the government has already allotted the residential accommodation to the petitioners, nothing survives in this petition. In the event, the petitioners seek damages/compensation for the loss, occasioned, if any, it would be open to them to take recourse to the alternative remedy, available under the law.

4. In view of the foregoing, this petition stands disposed of. No order as to costs.

Thakur

Sd/-
Satish K. Agnihotri
Judge